

Darryl L. Jones, Esq.
109 W. 6th Avenue, Suite 200
Anchorage, AK 99501
Tel (907) 278-1212
Fax (907) 278-1213
Attorney for Plaintiff

RECEIVED
JUN 06 2006
CLERK U.S. DISTRICT COURT
ANCHORAGE ALASKA

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

Sally C. Purser,)
)
Plaintiff,)
)
vs.)
)
Josef F. Boehm, Allen K. Bolling,)
Leslie J. Williams, Jr. and Bambi Tyree,)
)
Defendants.)
) Case No. A05-0085 (JKS)

**MOTION & MEMORANDUM FOR ORDER
TAKING JUDICIAL NOTICE OF FACT UNDER FED.R.EVID 201**

Plaintiff, by and through undersigned counsel, moves for an order wherein the Court takes judicial notice of the plea agreements and facts establishing at sentencing in Criminal Case Number A04-003 CR (JWS), as to each of the above listed defendants. This motion is filed under Rule 7.1 of the Local Rules of the District Court and Rule 201 of the Federal Rules of Evidence. It is supported by the following:

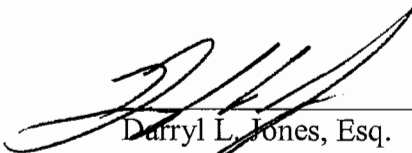
Under Fed.R.Evid. 201, the District Court may take judicial notice of its own records, including the records from other cases prosecuted before that Court. See M/V American Queen v. San Diego Marine Constr. Corp., 708 F.2d 1483, 1491 (9th Cir. 1983). Moreover, the Court may take judicial notice of facts established in those court records, if the truth of those facts is capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. See Fed. R. Evid. 201(b). United States ex rel. Robinson Rancheria

DARRYL L. JONES
ATTORNEY AT LAW
109 W. 6TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PH: (907) 278-1212 FAX: (907) 278-1213

Citizens Council v. Born, 971 F.2d 244, 248 (9th Cir. 1992) (citing Colonial Penn Ins. Co. v. Coil, 887 F.2d 1236, 1239 (4th Cir. 1989)). Facts established in guilty pleas and sentencing proceedings are the type of facts whose accuracy cannot reasonably be questions, and said facts are appropriate subjects of judicial notice in a subsequent civil case involving the same basic set of facts. Colonial Penn Ins. Co., 887 F.2d at 1239.

Accordingly, plaintiff requests this Court take judicial notice of the plea agreements in Criminal Case Number A04-003 CR (JWS) and of the facts established in those plea agreements and subsequent sentencing proceedings.

DATED this 14 day of June 2006.


Darryl L. Jones, Esq.
Attorney for Plaintiff
ABA No: 8811188

DARRYL L. JONES
ATTORNEY AT LAW
109 W. 6TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PH: (907) 278-1212 FAX: (907) 278-1213